

Order Regarding Motion for 2255

UNITED STATES DISTRICT COURT

NORTHERN District of NEW YORK

UNITED STATES OF AMERICA

vs.

KEVIN HENRICUS

**ORDER ON 2255 MOTION PURSUANT TO
18 U.S.C. §§ 1028 (a)(4) and/or (a)(6) FOR
CORRECTED JUDGMENT**

Case

Number: 5:02-CR-0068-001

Upon the motion of the defendant for a corrected judgment based on the December 17, 2008, determination by the United States Department of Justice, that the increased penalty provisions contained in 18 U.S.C. §§ 1028(b)(1) and (b)(2) do not apply as a matter of law to convictions under 18 U.S.C. §§ 1028(a)(4) and (a)(6), and the Court having reviewed said determination and said statutes and agreeing with the position of the United States on this matter,

IT IS ORDERED that the 2255 motion by defendant is granted and an amended judgment is to be issued reflecting the offense of conviction pursuant to 18 U.S.C. §§ 1028(a)(4) and/or (a)(6) as a misdemeanor.

IT IS SO ORDERED.

April 7, 2009

Order Date


Norman A. Mordue
Chief United States District Court Judge